

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THOMAS E. BABINSKI

Appeal No. 1998-0403
Application No. 08/536,232

ON BRIEF

Before URYNOWICZ, JERRY SMITH, and DIXON, Administrative
Patent Judges.

URYNOWICZ, Administrative Patent Judge.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-18,
all the claims pending in the application.

The invention pertains to a power converter. Claim 1 is
illustrative and reads as follows:

1. An inverter circuit for converting direct
current power from a direct current bus to controlled
alternating current power, comprising:

a high side switching device coupled between a high

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side of the bus and an output line;

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a low side switching device coupled between a low side of the bus and the output line;

a first flyback diode electrically coupled in parallel with the high side switching device and disposed physically adjacent to the low side switching device; and

a second flyback diode electrically coupled in parallel with the low side switching device and disposed physically adjacent to the high side switching device.

The reference relied upon by the examiner is:

Okado	5,123,746	Jun. 23,
1992		

Claims 1-18 stand rejected under 35 U.S.C. § 103 as being unpatentable over Okado.

The respective positions of the examiner and the appellant with regard to the propriety of these rejections are set forth in the examiner's answer (Paper No. 12) and the appellant's brief (Paper No. 11).

Appellant's Invention

An adequate description of the invention is set forth at pages 3 and 4 of the appeal brief. The invention is apparent from claim 1, above.

The Prior Art

In Figure 1, Okado discloses a bridge type power converter having high side switching devices 51, 53, and 55 and low side switching devices 42, 44, and 46. Diodes are electrically coupled in parallel with the high and low side switching devices.

Opinion

After consideration of the positions and arguments presented by both the examiner and the appellant, we have concluded that the rejection should not be sustained.

The examiner states "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the circuit's diodes to be physically adjacent to the switching devices since it was known in the art that to have diodes coupled in parallel to switching devices and simply rearranging the physical layout of the circuit but with the same circuit connections is well within the abilities of the one of ordinary skill in the art."

(Answer, page 5). The examiner has given no reason why one of ordinary skill in the art would have rearranged the structure of Okado in the manner claimed by appellant. The mere fact

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that the prior art may be modified in

the manner suggested by the examiner does not make the
modification obvious unless the prior art suggested the
desirability of the modification. In re Fritch, 972 F.2d
1260, 1266 n.14, 23 USPQ2d 1780, 1783-84 n.14 (Fed. Cir.
1992).

REVERSED

PATENT

STANLEY M. URYNOWICZ, JR.
Administrative Patent Judge

JERRY SMITH
Administrative Patent Judge

JOSEPH L. DIXON
Administrative Patent Judge

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